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Filed by: Trial Section Merits Panel
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Paper No. 25

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

CHARLES RITZ,
Junior Party,
(Patent 6,453,636 B1)¹

v.

DONALD E. HILL, CHARLES D. RITZ
and DAVID W. CASH,
Senior Party
(Application 09/983,867)²

Patent Interference No. 105,139

Before LEE, MEDLEY and TIERNEY, Administrative Patent Judges.

LEE, Administrative Patent Judge.

Judgment

This interference was declared on August 13, 2003. Counsel for the parties have

¹ Based on Application 09/706,216, filed November 3, 2000. The real party in interest is Ritz Telecommunications, Inc. Accorded the benefit of Application 09/557,266, filed April 24, 2000.

² Filed October 26, 2001. The real party in interest is Ritz Telecommunications, Inc. Accorded the benefit of Application 09/557,266, filed April 24, 2000.

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confirmed that the real party in interest is now the same for both parties. On October 7, 2003, an order was issued for Ritz Telecommunications, Inc. as the common real party in interest to elect which party is entitled to priority, and on October 16, 2003, an election was made, via telephone conference call (Paper No. 24) that the junior party is entitled to priority. Accordingly, it is

ORDERED that judgment as to the subject matter of Count 1 is hereby entered against the senior party DONALD E. HILL, CHARLES D. RITZ and DAVID W. CASH;

FURTHER ORDERED that senior party DONALD E. HILL, CHARLES D. RITZ and DAVID W. CASH is not entitled to its application claims 1-38 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

FURTHER ORDERED that a copy of this judgment be filed in the respective involved application or patent of the parties.

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Jameson Lee)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
Sally C. Medley)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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)	
Michael P. Tierney)	
Administrative Patent Judge)	

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Ritz v. Hill

By Facsimile

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